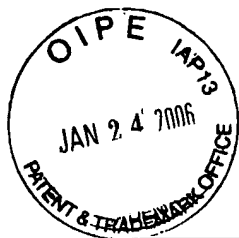


JP3 Rec'd PCT/PTO 24 JAN 2006



Docket No.: 3493-0149PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hubert LOCHARD et al.

Application No.: 10/554,058 ✓

Confirmation No.: 8305

Filed: October 24, 2005

Art Unit: N/A

For: METHOD FOR THE PREPARATION OF
MOLECULAR COMPLEXES

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL
REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE 1.114
RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

☒ a. Copies of cited U.S. patents and patent application publications are not included.
Copies of foreign patent documents and non-patent literature are included.

☐ b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

☐ c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s) and U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

☐ a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

☒ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows: **An English abstract is attached for JP 63-141559.**

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☒ d. OTHER - The following additional information is provided for the Examiner's consideration. **WO98/13136 is equivalent to US 6,183,783. FR 2 830 760 corresponds to WO 03/043604. WO 02/32462 is a counterpart of US 2004/119179. WO 02/083632 corresponds to US 2004/127462. FR 2 798 863 (= WO 01/23064) is equivalent to US 6,709,595. FR 2725990 is equivalent to US 6,107,284. FR 2741619 is equivalent to US 5,990,173. WO 89/09639 is equivalent to US 5,073,267. Some documents were cited in a previous Information Disclosure Statement dated October 24, 2005.**

IV. FEES (check one box)

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

☒ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. *(This section is not to be used with RCE's.)*

☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☐ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

☐ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.
or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

☐ The required fee is listed on the attached Fee Transmittal.

☒ No fee is required.

Application No.: 10/554,058

Docket No.: 3493-0149PUS1

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: January 23, 2006

Respectfully submitted,

By _____
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Attachment(s):



PTO-SB08
Documents



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/554,058-Conf. #8305
				Filing Date	October 24, 2005
				First Named Inventor	Hubert LOCHARD
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	3	Attorney Docket Number	3493-0149PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA*	US-5,043,280-A	08-27-1991	Fischer et al.	
	AB*	US-6,183,783-B1	02-06-2001	Benoit et al.	
	AC*	US-6,107,284-A	08-22-2000	Imbert et al.	
	AD*	US-5,990,173-A	11-23-1999	Patoiseau et al.	
	AE*	US-5,073,267-A	12-17-1991	Adda et al.	
	AF*	US-6,709,595-B1	03-23-2004	Perrut et al.	
	AG*	US-4,822,497-A	04-18-1989	Hong et al.	
	AH*	US-5,389,263-A	02-14-1995	Gallagher et al.	
	AI*	US-2002/0189454-A1	12-19-2002	Perrut	
	AJ*	US-5,700,482-A	12-23-1997	Frederiksen et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	WO-03/030867-A	04-17-2003			
	BB	FR-2 830 760-A	04-18-2003			
	BC	WO-02/32462-A	04-25-2002			
	BD	WO-02/083632-A	10-24-2002			
	BE	WO-98/13136-A1	04-02-1998			
	BF	EP-0 706 821-A1	04-17-1996			
	BG	WO-98/15348-A1	04-16-1998			
	BH	WO-99/25322-A2	05-27-1999			
	BI	WO-01/23064-A1	04-05-2001			
	BJ	WO-97/31691-A1	09-04-1997			
	BK	FR-2 725 990-A1	04-26-1996			
	BL	FR-2 741 619	02-13-1998			
	BM	WO-89/09639-A1	10-19-1989			
	BN	WO-00/27844-A1	05-18-2000			
	BO	WO-99/59710-A1	11-25-1999			
	BP	WO-01/28650-A1	04-26-2001			
	BQ	FR-2 799 984-A1	04-27-2001			
	BR	DE-37 19 549-A1	12-23-1987			
	BS	GB-2 191 715-A	12-23-1987			
	BT	EP-0 865 819-A1	09-23-1998			
	BU	GB-2 252 059	07-29-1992			
	BV	WO-01/43853	06-21-2001			
	BW	WO-02/089851	11-14-2002			
	BX	WO-95/01221-A1	01-12-1995			
	BY	FR-2 798 863-A1	03-30-2001			
	BZ	JP-63141559	6-14-1988			

Examiner Signature		Date Considered	
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- 2 -PTO/SB/08a/b (07-05)

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				Filing Date	October 24, 2005
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				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	2	of	3	Attorney Docket Number	3493-0149PUS1

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	CA	VAN HEES T. et al., "Application of Supercritical Carbon Dioxide for the Preparation of a Piroxicam-Beta-Cyclodextrin Inclusion Compound" Pharmaceutical Research, New York, NY, US, Vol. 16, No. 12, December 1999, pp. 1864-1870, XP001020308.		
	CB	VAN HEES T. et al., "Inclusion of Piroxicam Into Beta-Cyclodextrin by Means of Supercritical Carbon Dioxide: Thermal, Spectroscopic and Physicochemicals Studies" Journal de Pharmacie de Belgique, Masson, Paris, FR, Vol. 55, No. 1, January 2000, pp. 30-31, XP001019795.		
	CC	KAMIHIRA M. et al., "Formation of Inclusion Complexes Between Cyclodextrins and Aromatic Compounds Under Pressurized Carbon Dioxide", Journal of Fermentation and Bioengineering, Society of Fermentation Technology, JP, Vol. 69, No. 6, 1990, pp. 350-353, XP001020305.		
	CD	JUNG J. et al., "Particle design using supercritical fluids: Literature and patent survey" Journal of Supercritical Fluids, PRA PRESS, US, Vol. 20, No. 3, August 2001, pp.179-219, XP004247117.		
	CE	Bertuccio et al. "Drugs encapsulation using a compressed gas antisolvent technique" - Proceedings of the 4th Italian Conference on Supercritical Fluids and their Applications 1997, pp.327-334 - Ed. E. Reverchon		
	CF	Chou et al., "GAS crystallization of Polymer-pharmaceutical composite particles, Proceedings of the 4th International Symposium on Supercritical Fluids, 1997, pg.55-57		
	CG	Kim J. -H. et al., "Microencapsulation of Naproxen using Rapid Expansion of Supercritical Solutions, Biotechnol. Prog. 1996, 12, pg.650-661		
	CH	Sze Tu et al. "Application of dense gases in pharmaceutical processing, Proceedings of the 5th Meeting on Supercritical Fluids 1998, Tome 1, pg.263-269.		
	CI	Weber et al. "Coprecipitation with compressed antisolvents for the manufacture of microcomposites, Proceedings of the 5th Meeting on Supercritical Fluids 1998", Tome 1, pg. 243-248		
	CJ	Bleich et Muller, "Production of drug loaded by the use of supercritical gases with the erosol Solvent Extraction System(ASES) process, J. Microencapsulation 1996, Vol. 13, No. 2, pg.131-139		
	CK	Tom et al., "Applications of supercritical fluids in controlled release of drugs", Supercritical Fluids Engineering Science ACS Symp. Ser. 514, American Chemical Society, Washington DC, 1992		
	CL	XP002203240, "Chemical Abstracts Service, Choi, Young Hae et al.: " Supercritical carbon dioxide extraction of podophyllotoxin from Dysosma pleianthum roots"		
	CM	Bala Subramaniam et al. " Pharmaceutical processing with supercritical carbon dioxide", Journal of Pharmaceutical Science. Vol.86, No.8, August 1997, pg.885-889		
	CN	Sze Tu L. et al. "Application of dense gases in pharmaceutical processing", Proceedings of 5th meeting on supercritical fluids, Nice, France March 1998		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

Examiner Signature	Date Considered
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Birch, Stewart, Kolasch & Birch, LLP

ADM/ta



- 3 -PTO/SB/08a/b (07-05)

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				Filing Date	October 24, 2005
				First Named Inventor	Hubert LOCHARD
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	3	of	3	Attorney Docket Number	3493-0149PUS1

considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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Birch, Stewart, Kolasch & Birch, LLP

ADM/ta